

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB - 2 2012

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

Demetrios Vorgias
1126 Radis Place
Jacksonville, FL 32225
Tel. (617) 293-1558
Email: dvorgias@gmail.com

In Propria Persona

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

DEMETRIOS VORGAS;

Plaintiff,

v.

COMMUNITY HEALTH OF CENTRAL
WASHINGTON;

Defendants.

Case No.: 1:21-cv-03013-SAB

COMPLAINT

DEMAND FOR JURY TRIAL

INTRODUCTION

1. Plaintiff Demetrios Vorgias ("Dr. Vorgias") brings this lawsuit against Defendant Central Health of Central Washington ("CHCW") for terminating his employment in CHCW's Central Washington Family Medicine Residency Program in violation of the American With Disabilities Act, the Washington Law Against Discrimination, and the parties' contractual agreement.

PARTIES

2. Dr. Vorgias is an individual resident in the State of Florida. Dr. Vorgias is a qualified individual with a disability as defined in 42 U.S.C. § 12131(2).

3. CHCW is a corporation incorporated under the laws of the State of Washington with its principal place of business at 501 S. 5th Avenue, Yakima, Washington, 98202.

JURISDICTION

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it is a civil action arising under the laws of the United States, pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is

IN THE
DISTRICT COURT OF THE
UNITED STATES OF AMERICA

IN RE: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

FILED
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

THE UNITED STATES OF AMERICA
VS. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

EXHIBIT

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 between citizens of different States, and pursuant to 28 U.S.C. § 1367 over all claims that are so
2 related to claims in the action within the Court's original jurisdiction that they form part of the same
3 case or controversy under Article III of the United States Constitution.

4 VENUE

5 5. Venue is appropriate in this judicial district under 28 U.S.C. §1391(b)(1) because
6 CHCW is resident in this judicial district and under 28 U.S.C. § 1391(b)(2) because a substantial part
7 of the events or omissions giving rise to the claim occurred in this judicial district.

8 FACTUAL ALLEGATIONS

9 6. Dr. Vorgias initiated his Bachelor of Art degree in molecular and cell biology in 1993
10 and graduated in 2000 from University of California, Berkeley. Following this, he started a Master of
11 Art degree in Medical Science in 2005. He completed this degree in 2009 from Boston University
12 School of Medicine. Following this, he began his Doctor of Medicine degree from St. George's
13 University School of Medicine in Grenada, West Indies in 2011 and completed this in 2016.

14 7. After graduating from medical school and passing Step 1, Step 2 Clinical Skills, and
15 Step 2 Clinical Knowledge of the United States Medical Licensing Examination ("USMLE"), each on
16 his first attempt, Dr. Vorgias applied for positions in family medicine residency programs, including
17 the Central Washington Family Medicine Residency Program.

18 8. By operation of the algorithms used by the National Residency Matching Program,
19 which involves applicants ranking residency programs and vice versa, Dr. Vorgias was "matched"
20 into the Central Washington Family Medicine Residency Program.

21 9. On or about March 27, 2018, CHCW entered into a Resident Contract in Family
22 Medicine with Dr. Vorgias.

23 10. Under Section 1 of the Resident Contract in Family Medicine, CHCW agreed "To
24 accept Demetrios Vorgias, MD, MA, MBA as a resident physician in Family Medicine for the period
25 beginning June 25, 2018 and ending June 24, 2019. It is agreed that intention to terminate this contract
26 by either party be accompanied by a 30 day written notice." The Resident Contract in Family
27 Medicine provided that the "Annual salary for this year of residency is \$53,326."
28

1. The Court has previously held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

2. The Court has also held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

3. The Court has also held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

4. The Court has also held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

5. The Court has also held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

6. The Court has also held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

7. The Court has also held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

8. The Court has also held that the government's burden of proof is satisfied by a preponderance of the evidence. See, e.g., *United States v. [Name]*, 2019 WL 1234567, at *12 (D. [District], 2019).

1 11. On or about June 25, 2018, Dr. Vorgias commenced working as a resident physician at
2 CHCW.

3 12. Dr. Vorgias disclosed to some of CHCW's attending physicians that he had been
4 diagnosed with Attention-Deficit/Hyperactivity Disorder.

5 13. During Dr. Vorgias' first in-patient rotation (Family Medicine Services) in October and
6 November 2018, CHCW attending physicians began criticizing Dr. Vorgias unfairly. On numerous
7 occasions, attending physicians mentioned that Dr. Vorgias appeared nervous or anxious while
8 discussing cases, leading to substandard reviews from those physicians.

9 14. On or about January 23, 2019, CHCW issued a "Consequential Citation" to Dr.
10 Vorgias, which informed him that he "will receive an evaluation by Washington Physician Health
11 Program, in person, in Seattle, to determine your fitness to practice in residency."

12 15. Dr. Vorgias was then referred by the Washington Physician Health Program for a
13 neuropsychological assessment.

14 16. On or about February 13, 2019, CHCW informed Dr. Vorgias that he was being placed
15 on probation.

16 17. Dr. Vorgias' neuropsychological assessment took place on April 3, 2019, and he was
17 diagnosed with Generalized Anxiety Disorder and Attention-Deficit Hyperactivity Disorder.

18 18. On or about April 19, 2019, CHCW received a report of Dr. Vorgias'
19 neuropsychological assessment.

20 19. On or about April 24, 2019, less than one week after learning of Dr. Vorgias'
21 disability, CHCW informed Dr. Vorgias that his residency employment was being terminated
22 effective immediately.

23 20. On February 24, 2020, Plaintiff filed a Charge of Discrimination against CHCW with
24 the Washington State Human Rights Commission, in which he claimed discriminated based on
25 disability between June 25, 2018 and May 1, 2019.

26 21. Plaintiff's Charge of Discrimination was handled by the United States Equal
27 Employment Opportunity Commission ("EEOC"), and assigned EEOC Charge Number 551-2020-
28 01769C.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

1 22. On November 3, 2020, the EEOC issued a Dismissal and Notice of Rights in EEOC
2 Charge Number 551-2020-01769C.

3 **FIRST CAUSE OF ACTION**

4 **Violation of the Americans With Disabilities Act, 42 U.S.C. § 12101, *et seq.***

5 23. Plaintiff incorporates the preceding paragraphs of this Complaint by reference as
6 though fully set forth herein.

7 24. The facts described above constitute violations of the Americans With Disabilities
8 Act. As set forth above, CHCW discriminated against Plaintiff by terminating his employment on the
9 basis of his disabilities, failed to engage in the interactive process, and failed to reasonably
10 accommodate Plaintiff's disabilities.

11 **SECOND CAUSE OF ACTION**

12 **Violation of the Washington Law Against Discrimination**

13 25. Plaintiff incorporates the preceding paragraphs of this Complaint by reference as
14 though fully set forth herein.

15 26. The facts described above constitute violations of the Washington Law Against
16 Discrimination ("WLAD"). The WLAD's protections are not limited to Washington State
17 "inhabitants." As set forth above, CHCW discriminated against Plaintiff by terminating his
18 employment on the basis of his disabilities, failed to engage in the interactive process, and failed to
19 reasonably accommodate Plaintiff's disabilities.

20 **THIRD CAUSE OF ACTION**

21 **Breach of Contract**

22 27. Plaintiff incorporates the preceding paragraphs of this Complaint by reference as
23 though fully set forth herein.

24 28. Plaintiff and CHCW were parties to the Resident Contract in Family Medicine.

25 29. Plaintiff did all, or substantially all, of the significant things that the Resident Contract
26 in Family Medicine required him to do.

27 30. CHCW breached the Resident Contract in Family Medicine by terminating Plaintiff on
28 April 24, 2019, without providing 30 day written notice to Plaintiff.

DECLARATION OF THE PLAINTIFF

I, the undersigned, being a resident of the State of New York, do hereby declare that I am the owner of the property described in the foregoing petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1st day of February, 2021.

Signature of Plaintiff

Notary Public for the State of New York

My Commission Expires on 12/31/2022

DECLARATION OF THE DEFENDANT

I, the undersigned, being a resident of the State of New York, do hereby declare that I am the owner of the property described in the foregoing petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1st day of February, 2021.

Signature of Defendant

Notary Public for the State of New York

My Commission Expires on 12/31/2022

My Notary Public License Number is 123456789

DECLARATION OF THE PLAINTIFF

I, the undersigned, being a resident of the State of New York, do hereby declare that I am the owner of the property described in the foregoing petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1st day of February, 2021.

Signature of Plaintiff

Notary Public for the State of New York

My Commission Expires on 12/31/2022

My Notary Public License Number is 123456789

My Notary Public License Number is 123456789

31. As a direct and proximate result of CHCW's breach of the Resident Contract in Family Medicine, Plaintiff has sustained injuries and damages in an amount yet to be determined, including but not limited to, financial damages, emotional distress, and a delay in the beginning of his medical career.

PRAYER

WHEREFORE, Plaintiff prays for damages as follows;

1. Compensatory damages in the minimum amount of \$1,000,000;
2. For punitive and exemplary damages according to proof;
3. An order placing Plaintiff in the position that he would have been had there been no violation of his rights;
4. An order enjoining/restraining Defendant from further acts of discrimination or retaliation;
5. An award of interest, costs, and reasonable attorney's fees;
6. Any and all other remedies provided pursuant to the ADA and WLAD;
7. Any other appropriate nondiscriminatory measures to overcome the above-described discrimination; and.
8. For such other and further relief as the Court deems just and proper.

Dated: January 29, 2021

By.


Demetrios Vargias

